

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MARY ELISABETH BROCK

PLAINTIFF

v.

CIVIL ACTION NO. 4:18-CV-129-RP

**NANCY BERRYHILL,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

FINAL JUDGMENT

Plaintiff Mary Elisabeth Brock filed suit under 42 U.S.C. § 1383(c) for judicial review of the unfavorable decision of the Commissioner of Social Security regarding an application for a period of disability, supplemental security income, and disability insurance benefits. Docket 1. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provision of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. Docket 12. The Court, having considered the record, the administrative transcript, the briefs of the parties, and the applicable law, finds as follows:

The Commissioner’s decision is not supported by substantial evidence because of the ALJ’s failure to consider treating physician Dr. Sayed Raza’s opinions dated September 3, 2015 and November 18, 2015. While Dr. Raza’s opinions that Plaintiff is “disabled indefinitely” and “cannot work” are conclusory opinions on an issue reserved to the Commissioner, the ALJ “must always carefully consider medical source opinions about any issue, including opinions about issues that are reserved to the Commissioner.” SSR 96-5p. Although such opinions “are never entitled to controlling weight or special significance,” they “must never be ignored,” and in evaluating them the ALJ “must apply the applicable factors in 20 C.F.R. 404.1527(d) and 416.927(d).” *Id.*

The Commissioner's decision is reversed and remanded with instructions to consider the referenced opinions of Dr. Raza in accordance with SSR 95-5p, to reevaluate Plaintiff's RFC, and to make step four and step five determinations accordingly.

SO ORDERED, this the 10th day of April, 2019.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE